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REPORT OF SUBCOMMITTEE ON
SELECTION AND INSTRUCTION OF JURORS

The attitude of employers toward jury service on the part of their employees has a vital bearing on the process of selection of jurors. It gives rise to two practical difficulties that constantly confront the courts in passing on numerous requests that prospective jurors be excused, or, at least, that their services be deferred.

One of the difficulties is due to the fact that many employers frequently ask that their employees be excused on the ground of hardship to the employer. All too frequently such requests are made without due consideration and with undue emphasis on the importance of the employee in question. This is true not only of many private employers, but also of many government agencies. The court is not generally in a position to check or verify the employer's statement as to the degree of hardship that would be sustained by him if the employee is required to serve. Beyond a rather perfunctory questioning of the employee, the court ordinarily has no means for testing the accuracy of the employer's statements. The matter is one that cannot be controlled by any statute or rule, but the situation may perhaps be alleviated through an educational campaign and the pressure of public opinion. If Government agencies were suitably informed as to the importance of jury service, - and many heads of Government agencies do not seem to have a sufficient realization of this matter -, and were urged not to ask that their personnel be excused from jury duty except in cases of actual necessity, the court might be freed from many such requests. The same is true of many private employers.

The second, and perhaps more serious, difficulty arises out of the financial hardship that many a person summoned to jury duty would sustain thereby. In this respect Government officers and employees are in a desirable position, because the pertinent statute provides that their salaries shall continue while they are on jury service. This problem concerns chiefly private employers.

Under present conditions, most employed persons earn more than the \$7 per diem paid to jurors. To many of them to be cut off from their salaries or wages for a month, is a serious hardship. There are many employers in the District of Columbia who are civic minded and fully realize the importance of jury service. They continue to pay the compensation of their permanent employees while the latter are rendering jury service, or, at least, make up the difference between the employees' compensation and their fees as jurors. Such employers are to be commended for their public spirit. Among them are the public utilities, the banks, the department stores, the newspapers in respect to their reportorial and editorial staffs, and many other employers, large and small.

On the other hand, there are many employers, both large and small, who decline to continue any of their employees on the payroll while the latter are serving as jurors. This often applies even to permanent employees of many years' standing. This Committee has in mind many such employers, but will not single out any one from this large group. One would be surprised to know the names of some large, reputable concerns who seem to exhibit a callous or indifferent attitude in this respect. This Committee believes that this situation results in large part from thoughtlessness and lack of sufficient appreciation

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of the importance of the matter were brought home to such employers, it is reasonable to assume that some of them, and perhaps many of them, would change their attitude in this respect. They should feel that to retain on their payrolls, at least to the extent of the difference between the salaries or wages and the per diem paid to jurors, those of their permanent employees who are rendering jury service, is a reasonable contribution for an employer to make to the maintenance of our way of life. It must be borne in mind that under our present system no one is called to serve more than once in five years, and that, therefore, no undue financial burden would have to be carried by any one employer. Strangely enough, an employer who may make large contributions to charity will, at times, decline to continue a permanent employee of many years' standing on his payroll while the latter is serving on the jury. A campaign of education and the pressure of public opinion may do much to ameliorate this situation.

We would still have the troublesome matter of employees holding temporary positions, or those who have been associated with a particular employer but for a short time. In such cases, it would hardly be fair to expect the employer to pay the employee's salary or wages while the latter is serving on the jury.

A peculiar difficulty arises in connection with persons who are employed in various branches of the construction industry. Men of this type naturally have to shift from one construction job to another, possibly every few months, perhaps every year or so. It is not reasonable under these circumstances to expect an employer to pay his workmen's wages while they are not actually working on the job.

The purpose of this report is to call attention to these problems in the hope of initiating a modest educational campaign. Appropriate organizations might be apprized of the matter in order that, if they become interested, they may inaugurate some means of bringing about an improvement in the two matters with which this report deals. For this purpose we recommend that copies of this report be sent to the United States Bureau of the Budget, the United States Civil Service Commission, and outstanding civic and commercial organizations.

Respectfully submitted,

/s/ James W. Morris

/s/ James J. Hayden

/s/ Edmund L. Jones

/s/ Will Shafroth

/s/ Alexander Holtzoff
Chairman

June 5, 1952

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